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volved." [17] At the same time, it is necessary to keep the law in pace with the facts and to insure close cooperation between scientists and lawyers. The committee suggested that its list of legal problems should continually be reviewed by whatever means the General Assembly should deem fitting.

Six problems were listed by the committee as being susceptible of priority treatment.

First, the committee came to the conclusion that the satellite programs of the International Geophysical Year were based upon the premise that nations had permission to launch such vehicles even though they traversed an orbit above national boundary lines. It was concluded, therefore, that within the context of strictly peaceful uses, "with this practice, there may have been initiated the recognition or establishment of a generally accepted rule to the effect that, in principle, outer space is, on conditions of equality, freely available for exploration and use by all in accordance with existing or future international law or agreements." [18]

Second, the problem of liability for injury or damage caused by space vehicles raised a number of legal questions. Answers are needed to such questions as the type of injury and kind of conduct which should establish liability. Should the fact that damage occurred on land, in airspace, or in outer space be a governing factor? Should a launching nation be liable for unlimited damages? Should joint international projects carry with them liability that is joint or several? On the question of who will determine liability and insure payment for damages, the committee considered that study of an agreement providing for compulsory jurisdiction of the International Court of Justice should be given priority. Also, the experience of the International Civil Aviation Organization on such matters should be analyzed to determine to what extent the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface could be applied to space vehicles.

Third, the problem of the allocation of radio frequencies to space vehicles follows the scientific and technological evaluation of this important matter. The legal committee called attention to the fact that the International Telecommunication Union is already qualified to function in this area, and that documents concerning frequencies for earth satellites will be considered by the Administrative Radio Conference of the ITU which opened in Geneva on August 17, 1959, for meetings which are expected to last for several months.

Fourth, the avoidance of interference between space vehicles and aircraft is a problem whose legal implications require early study by governments.

Fifth, the identification and registration of space vehicles and the coordination of launchings would necessarily imply the formulation of rules and regulations of vital interest to the legal community.

Sixth, the reentry and landing of space vehicles will create the necessity of making arrangements with nations affected by the descent and landing. Multilateral agreements would be desirable to take care of situations involving accidental landings. The committee also thought that the rules of international law which now apply to aircraft landing in distress might also be made applicable to space vehicles.

In addition to these six top-priority problems, the committee analyzed a number of other areas which can be expected to involve legal measures. Official definitions of airspace and outer space were deemed premature at this time, and the committee believed that the problems to which it had given highest priority did not depend for their solution on a legal distinction between these two areas in the space environment. It was suggested, however, that one approach to the problem would be to establish the limits of airspace and outer space within a practicable range. Another idea which could be explored is use of the type of space activity as a basis for legal control.

The legal questions which might arise in the exploration of celestial bodies were not ranked with high-priority problems at this time, but a number of interesting suggestions for meeting this situation were advanced: That sovereignty should not be claimed by a nation over celestial bodies; that such areas should be used solely for mankind's benefit; and that an international administration might handle such matters.

The committee believed there was not much present danger in space vehicles interfering with each other, but thought this was a future possibility. The rules and regulations which now apply to air traffic might be related to space travel.

And, finally, the committee thought that international legal measures might be required to handle technological achievements, particularly in the case of meteorological satellites.

IMPLICATIONS FOR THE LEGAL PROFESSION

The ad hoc committee report has made a significant contribution toward the orderly development of science and law in the peaceful uses of outer space. From this report scientists and engineers can be apprised of the legal problems incident to space exploration; and the legal profession has been given the latest scientific and technological evaluations to assist in advancing solutions to present and future problems. Both groups may profit from the description and analysis of the international organizations now operating in this field and determine ways in which coordination can best be achieved.

The report has delineated a rich field for research and analysis which can be of practical value to the International Astronautical Federation in considering the appointment of committees to study the problems of space law. The way is also open for individuals to contribute their thinking to the first historic guidelines for international cooperation in outer space.

The main legal problems which might arise in space exploration and require study directed toward their solution have been identified:

1. To what extent is the recognized international law of the sea and in airspace analogous to the problems of outer space, and in what ways is the space environment unique?

2. What can we learn from the administrative and procedural methods of existing intergovernmental organizations which might have an application to space activities?

3. How can it be determined whether the practices established and observed by the International Geophysical Year may have resulted in international recognition of the freedom of outer space for exploration under present and future international law?

4. What are the advantages and disadvantages of the various proposals made for the solution of the problem of liability for injury or damage caused by space vehicles?

5. Should the International Court of Justice be given compulsory jurisdiction over disputes between nations concerning liability for damage from space vehicles?

6. Is the experience of the International Civil Aviation Organization concerning surface damage caused by aircraft applicable to space vehicles?

7. What contributions can be made by the legal profession to the International Telecommunication Union in dealing with the problem of allocation of radio frequencies to space vehicles?

8. What proposals can be made for the solution of the problem of interference between aircraft and space vehicles?

9. What legal factors are involved in the identification and registration of space vehicles and the coordination of launchings, both for individual nations and for international arrangements?

10. What rules of existing international law might govern the legal problems which are likely to arise in the reentry and landing of space vehicles? What are the areas in which new substantive agreements between nations may be needed?

11. Is there a requirement in terms of national sovereignty for differentiating between airspace and outer space, and, if so, what are the advantages and disadvantages of the various proposals which can be advanced to meet this problem?

12. What are the international legal implications of the task required for the formulation of safeguards against contamination of celestial bodies and the earth as a result of space exploration?

13. What is the relation of the concepts of national sovereignty to the exploration and exploitation of outer space, and what proposals would have to be considered in arriving at a solution of the problems involved?

14. What legal arrangements of administration, regulation and control would be involved in meeting the problem of coordinating existing international organizations which have space programs or whose activities can logically be extended to include space activities?

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[1] Resolution 1348 (XIII), Dec. 13, 1958.
[2] U.N. Doc. C.1/L.200/Rev. 1; adopted in committee I on Nov. 24, 1958, by a vote of 54 to 9 with 18 abstentions and in plenary session on Dec. 13, 1958 by a vote of 53 to 9 with 19 abstentions.
[3] Ibid.
[4] "The Peaceful Uses of Outer Space." United Nations Review, January 1959, pp. 10–12, 75–79.
[5] U. N. Doc. A–4141, July 14, 1959. 76 p.
[6] Ibid, p. 7–8.
[7] Ibid., p. 10.
[8] Ibid., p. 14.
[9] Ibid., p. 16–26.
[10] Ibid., p. 21.
[11] Ibid., p. 42.
[12] Ibid.
[13] Ibid., p. 29.
[14] U.N. Doc. A/AC.98/3, June 11, 1959, 37 p. U.N. Doc. A/4141, July 14, 1959, pp. 27–60.
[15] U.N. Doc. A/AC.98/C.2/SR.1, June 30, 1959; A/AC.98/C.2/SR2, June 30, 1959; A/AC.98/C.2/SR.3, June 30, 1959; A/AC.98/C.2/SR.4, July 17, 1959; A/AC.98/C.2/SR.5, July 17, 1959; A/AC.98/C.2/L.1, June 9, 1959; A/AC.98/2, June 12, 1959. Working papers: Italy A/AC.98/L.6, May 21, 1959; Mexico A/AC.98/L.8, May 30, 1959; United States A/AC.98/L.7, May 27, 1959. Part III on Legal Problems, Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space A/4141, July 14, 1959, pp. 61–70.
[16] U.N. Doc. A/AC.98/2, June 12, 1959, p. 1.
[17] U.N. Doc. A/4141, July 14, 1959, p. 63.
[18] Ibid., p. 64.

The Fight in 1959 for Freedom of Information

EXTENSION OF REMARKS
OF
HON. JOHN E. MOSS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 14, 1959

Mr. MOSS. Mr. Speaker, the year 1959 saw the present administration

carry secrecy to unprecedented lengths. Officials in the executive branch far down the administrative line from the President have taken it upon themselves to deny information requested by Congress and its agent, the Comptroller General. The denials were in violation of duly enacted laws, including the Budget and Accounting Acts of 1921 and 1950 and the mutual security authorization of 1959. Administration officials, with increasing frequency during the year, claimed a privilege beyond the law to determine what information Congress—and therefore the public and the press—shall have about the operations of executive departments and agencies.

Congress, and the House Government Information Subcommittee in particular, have been challenging administration officials to cite statutory authority for withholding information. In many documented cases, information has been released after it was shown that there was no authority for secrecy. Such progress, slow and painstaking, has been recorded in reports of the House Government Operations Committee based on the subcommittee's work.

At the same time, however, officials, unable to produce statutory authority for the secrecy they are imposing, have found it handy to claim an undefined, unlimited "privilege." Research has shown conclusively that such a sweeping claim is recognized by neither the Constitution, the statutes, nor the courts.

Administration officials argue that the only information they withhold is advisory material, consisting of "personal opinions." How a document, written by a Federal official as part of his official job, can be a personal matter has never been explained. Nevertheless, subcommittee hearings have shown that information withheld from the Comptroller General included blank forms and the table of contents of a report on procurement activities of the Military Sea Transportation Service. By no stretch of the imagination can such material be considered personal opinions to be hidden from congressional or public view for fear that the official involved may be inhibited from expressing the truth as he sees it. The doctrine of secrecy has been extended so far that the head of the International Cooperation Administration which administers the foreign aid program testified that he believed he could withhold from Congress any document in possession of his agency.

Unfortunately, the most flagrant abuses of the claim of privilege have occurred when Congress has sought to examine the efficiency in the use of tax funds in the field of defense, space research, and foreign aid—each an area of immense importance and immense cost.

Fortunately, Congress served notice this year that it will no longer tolerate the unbridled imposition of secrecy by thousands of satellite presidents in the executive departments and agencies. The Mutual Security Appropriations Act of 1960 provides that if information is refused about a foreign aid project, funds for that project will be cut off automatically unless the President personally supports the refusal and sets forth his reasons for so doing. This is but a first step in the reassertion of the constitutional rights which are basic to a democratic society and a representative form of government. But it does place the issue of secrecy squarely in the hands of the President. What he does about it will determine whether the Government of the United States follows the constitutional principles or whether Congress must take further, more drastic steps to prevent government in secret.

Foote & Jenks, of Jackson, Mich., Celebrate 75th Anniversary—One of Nation's Oldest Flavor Houses

EXTENSION OF REMARKS
OF
HON. PHILIP A. HART
OF MICHIGAN
IN THE SENATE OF THE UNITED STATES
Monday, September 14, 1959

Mr. HART. Mr. President, this year represents the 75th anniversary of one of Michigan's outstanding firms, Foote & Jenks, Inc., of Jackson, Mich. Foote & Jenks was founded in 1884 and is not only one of Michigan's oldest manufacturing concerns, but one of the Nation's oldest flavor houses serving the food and drug and beverage industries of the Nation.

We in Michigan are proud of the outstanding long service of this firm. I ask unanimous consent that there should be printed in the Appendix of the RECORD a brief history and outline and description of the work of this famous concern.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOME EARLY HISTORY

Two enterprising young men, Charles E. Foote and Charles C. Jenks, graduate pharmacists from the University of Michigan, pooled their modest savings and opened a retail drug store in Jackson, Mich., in 1884. This was the beginning, modest to be sure, but these were men of vision, restless and energetic, made of the stuff that forecasts progress and growth.

They found their great interest to lie in the backroom, rather than behind the counter and it was there that they began the first experiments and discoveries which led to the existence of the present firm of Foote & Jenks, Inc.

The ensuing 75 years has seen the realization of a dream in the best American tradition of free enterprise. The founders invested their young manhood, their energy, and what little money they had in this small business. They hopefully looked beyond its walls. They followed their noses into the perfume business and through it into the flavor field. In doing so they got themselves into the complicated and difficult realm of the manufacturing business, with help to pay, inventory to finance, and competition to conquer. Their early struggles are a matter of record and the business today is a monument to their imagination, their ambition, and their sacrifice.

RESEARCH BRINGS PROGRESS

For 46 years the original building, plus a multiplicity of rented warehouse spaces, housed the firm while its stature grew 10 times. In 1947 the business was moved into America's newest and finest manufacturing laboratories, a spacious one-floor, day-lighted brick and glass building, with its own sidetrack facility, set in beautifully landscaped grounds which provide space for plant additions as wanted.

In this building are to be found the most up-to-date instrumentation, automatic equipment, and custom-built machinery existing anywhere in the flavor industry. Consistent and constant improvement of equipment is reflected in complete changes in tankage facilities which were once entirely of wood, become all glass-lined metal, then became wholly monel metal and, today, are 100 percent stainless steel.

Production machinery in the manufacturing laboratories includes high-speed colloid mills, homogenizers of 3,500 pounds capacity, ultrasonic emulsifying devices which were the first to be used for the purpose in America, an ion exchange water purification system, 10-ton refrigeration connected to hermetically sealed agitation chambers, power and gravity filtering equipment, and power and gravity conveyors to all warehouse areas.

Production is governed by a control laboratory, the instrumentation of which is modern right up to the point of the newest chromatographic analysis devices. In this laboratory batch samples of every product are retained on file until evidence exists that the batch has completely passed into customer's food and beverage products and has been consumed with gusto by the American people.

Development and research activities are a daily, monthly, yearly, and "forever must" in the research laboratory. Inclusion of ample funds for this activity in budget thinking has made the company pioneers in the production of new flavors as well as in the consistent improvement in form of old favorites—as required by the constantly growing and improving industries which provide the country's foods and beverages.

The management attitude toward constant change and improvement and its acceptance of modern methods is reflected in office operations where every department is fully equipped with up-to-the-minute business machines, including a punchcard operation which provides source material for electronic integrated data processing.

THE CORPORATE STRUCTURE

The founders incorporated the business in 1893 and established the policy of employee ownership and management which endures to this day. Ownership in the form of shares of stock is vested entirely among current employees. Directors of the company are elected by the employees and the board of directors elects the officers. Individual length of service of employees ranges from 1 year to 40 years with a current average tenure of 16 years. Employees share in profits, stock dividends, and in benefits provided by the company in the form of group insurance and pension plans.

THE OFFICERS AND DIRECTORS

Paul W. Thurston, who was hired by the founders in 1919 to wash bottles, rose through shipping, purchasing, advertising and sales activities to the presidency in 1957. He is the third president of the company, succeeding H. L. Jenks, retired in 1957 who in turn succeeded C. E. Foote, one of the founders.

John L. Laughlin, vice president, research and development began in 1940 as a laboratory assistant and became the corporate officer in charge of the department in 1957. He is a charter member and a director of the Institute of Soft Drink Technicians, a member of the Institute of Food Technologists and chairman of the research committee of the Flavoring Extract Manufacturers Association.

Worth Weed who became treasurer in 1956 was employed as a salesman in 1946. He has served as president of the Michigan Dairy Boosters, president of the Michigan Allied